# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☑ Force	☑ Discourt. ☐ U.S.
Eric Rigie		Squad #3	201605265	☑ Abuse	☐ O.L. ☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL EO SOL
Saturday, 06/11/2016 8:53 PM				81	12/11/2017   12/11/2017
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Time	e Received at CCRB
Sun, 06/12/2016 2:40 AM		CCRB	Phone	Fri, 06/17	/2016 11:07 AM
Complainant/Victim	Type	Home Addre	ess		
Witness(es)		Home Addre	ess		
Subject Officer(s)	Shield	TaxID	Command		
1. POM Abel Lovera	01160	954081	081 PCT		
2. Officers			081 PCT		
3. An officer			081 PCT		
4. LT Roman Israilov	00000	932816	081 PCT		
5. POF Emily Harris	20669	941882	081 PCT		
6. POM Manuel Mancheno	26266	954091	081 PCT		
7. POF Lace Kirk	14349	956802	081 PCT		
<ul><li>8. POM Isiah Spence</li><li>9. POM Diery Louis</li></ul>	23588 29819	955524 940395	081 PCT 081 PCT		
10. POM Michael Swift	26931	931288	081 PCT		
10.101111111111111111111111111111111111	20/31	731200	001101		

Witness Officer(s)	Shield No	Tax No	Cmd Name	
1. POF Jennifer Fermin	19721	958582	081 PCT	
2. POM Alexander Morales	19469	943584	081 PCT	
Officer(s)	Allegation			Investigator Recommendation
A.POM Diery Louis	Discourtesy: I discourteously		Diery Louis spoke	
B. Officers	Discourtesy: (	Officers spoke of	discourteously to § 87(2)(b) and individuals.	
C.LT Roman Israilov	Abuse: Lieute summonses to		railov threatened to issue	
D. Officers	Abuse: Office individuals.	rs threatened to	arrest § 87(2)(b) and	
E.POF Emily Harris	Discourtesy: I discourteously		mily Harris spoke	
F.POM Abel Lovera	Force: Police against § 87(2)(b)	Officer Abel Lo	overa used physical force	
G.LT Roman Israilov	Force: Lieuter against § 87(2)(b)		nilov used physical force	
H.POF Emily Harris	Force: Police against § 87(2)(b)		Harris used physical force	
I. Officers	Force: Officer	s used physical	force against \$87(2)	
J. An officer	Abuse: An off	icer restricted §	87(2)(b) s breathing.	
K. An officer	Force: An offi	cer used a chok	cehold against § 87(2)(b)	
L. Officers	Force: Officer	s used physical	force against § 87(2)(b)	
			and individuals.	
M.POM Isiah Spence	Force: Police against individ		pence used physical force	
N.POM Diery Louis	Force: Police individuals.	Officer Diery L	ouis used physical force agains	st .
O.POM Manuel Mancheno	Force: Police against individ		Mancheno used physical force	
P.POF Lace Kirk	Force: Police individuals.	Officer Lace Ki	irk used physical force against	
Q.POF Emily Harris	Force: Police against § 87(2)(b)	Officer Emily I	Harris used physical force	
R.POF Emily Harris	Abuse: Police § 87(2)(b)	Officer Emily	Harris threatened to arrest	
S. Officers		es struck § 87(2)(b) th their batons.	and	1
T. Officers	Force: Officer	s used pepper s	pray against <sup>§ 87(2)(b)</sup>	
			and individuals.	
U.POM Michael Swift	Discourtesy: I discourteously		Aichael Swift spoke	
V.POM Michael Swift	Discourtesy: I	Police Officer M	Michael Swift spoke	

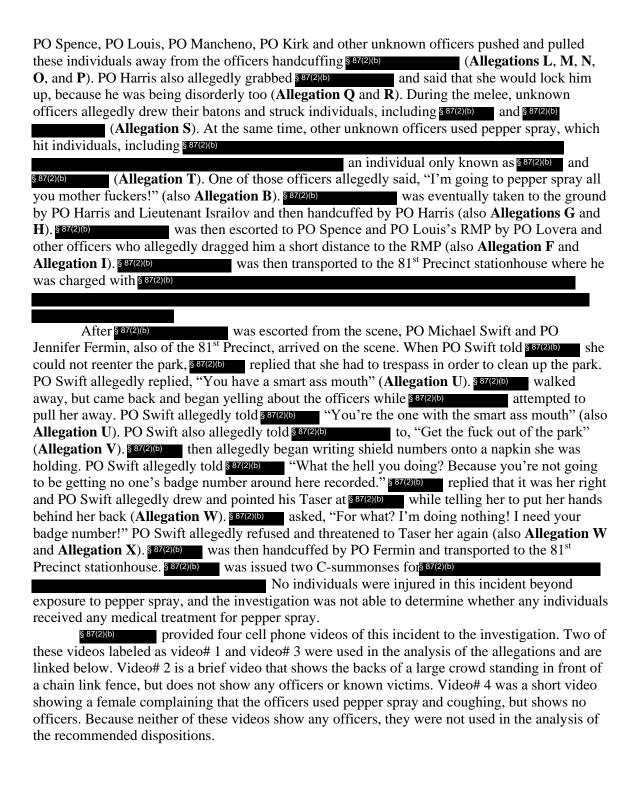
discourteously to § 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
W.POM Michael Swift	Abuse: Police Officer Michael Swift threatened §87(2)(b) with the use of force.	
X.POM Michael Swift	Abuse: Police Officer Michael Swift refused to provide his name and/ or shield number to \$87(2)(b)	
§ 87(4-b), § 87(2)(g)		

# **Case Summary**

On June 12, 2016, § 87(2)(b) filed this complaint with the CCRB via telephone.
On June 11, 2016, at approximately 8:53 p.m., \$87(2)(b) was hosting a party for her
old daughter in \$87(2)(6) in Brooklyn. Between 100 and 200 guests
were at this party, including \$87(2)(b) s \$87(2)(b) old son \$87(2)(b) her \$87(2)(b) old
son § 87(2)(b) her § 87(2)(b) old daughter § 87(2)(b) her adult daughter
§ 87(2)(b) her sister § 87(2)(b) s father § 87(2)(b) and
family friends § 87(2)(b)
and a
female only known as \$87(2) \$87(2)(b) also had her three year old daughter, \$87(2)(b)
at the party. This party included inflatable bouncy houses, horses, multiple grills, and rented
tables, chairs, and tents. PO Diery Louis and PO Isiah Spence, of the 81 <sup>st</sup> Precinct, observed the
party during their patrol and drove into the playground to investigate. On entering the playground,
PO Louis and PO Spence asked the party guests to see a permit. [887(2)(b)] approached
PO Louis and PO Spence and presented them with a NYC Parks Department permit application
and a money order, which he claimed were a valid permit. PO Louis and PO Spence then went
back to their RMP where PO Louis or PO Spence radioed Lieutenant Roman Israilov, also of the
81 <sup>st</sup> Precinct, to inform him of the situation. PO Louis then drove the RMP closer to the crowd
with emergency lights on and while doing so allegedly came close to hitting a young female.
When PO Louis and PO Spence got out of their RMP again, \$87(2)(b) complained to PO Louis
about his driving and PO Louis allegedly replied by telling her to watch her kid while using
discourteous language ( <b>Allegation A</b> ). Meanwhile, Lieutenant Israilov sent a radio request for
additional units to go to \$87(2)(b)  Lieutenant Israilov subsequently arrived at
the park with PO Lace Kirk, PO Abel Lovera, PO Manuel Mancheno, PO Emily Harris, PO
Alexander Morales, and approximately 20 to 25 other officers from the 81 <sup>st</sup> Precinct. On arriving
at the scene, the officers began issuing commands for everyone to leave the park. Various
individuals got upset and complied slowly or not at all. In response, various officers told
individuals to, "Get the fuck out of the park!" and, "Get your asses out of the park!" (Allegation
B). Officers also told individuals, including §87(2)(b) that they would be arrested or
summonsed if they did not leave the park (Allegations C and D).
became upset and approached a group of officers that included PO
Lovera, PO Harris, and Lieutenant Israilov. §87(2)(b) cursed at the officers and
complained that they should leave everyone alone because they had a permit for the party. PO
Harris instructed another individual, "Get his ass out of here!" in reference to \$87(2)(b)
(Allegation E). \$87(2)(6) moved right in front of PO Lovera and continued to yell and
curse. PO Lovera responded by pushing §87(2)(b) a couple feet back using his hand
(Allegation F). §87(2)(b) slapped PO Lovera's hand in response and Lieutenant
Israilov instructed the officers to place \$87(2)(b) under arrest. PO Lovera, Lieutenant
Israilov, PO Harris, and other officers then grabbed \$87(2)(b) and tried to handcuff him
while §87(2)(b) pulled away (also Allegation F and Allegations G, H, and I). During
this struggle, an officer allegedly restricted \$87(2)(b) s breathing by squeezing the back
of his neck (Allegation J). §87(2)(b) held onto §87(2)(b) to prevent the officers
from handcuffing him and so an unknown male officer allegedly put his arm around \$87(2)(b)
s throat and pulled her away from §87(2)(b) (Allegation K). In addition to
§ 87(2)(b) and
other individuals intervened and pulled \$87(2)(b) away from the officers. In response,
Page 2

Page 2



# Video# 1: 201605265\_20161018\_1306\_DM.mp4 Video# 3: 201605265\_20161018\_1308\_DM.mp4 Video footage of the Breevoort Houses was also received from NYCHA. Parking lot footage from the Breevoort Houses showed between 50 and 100 individuals walking to cars. However, because this footage shows no officers and no significant activity, and because the investigation subsequently learned that the party was held at \$87(2)(b) and not the Brevoort Playground, the footage was not used in the analysis of the allegations. This case was closed past 90 days because of the need to complete contact attempts for 21 victims and witnesses, and because of a 58 day delay in receiving documents from the 81st Precinct, which were essential for identifying subject officers. Mediation, Civil and Criminal Histories This case was not suitable for mediation due to \$87(2)(b) s arrest with no DAT and also it would have been impractical due to the size of the incident. On October 21, 2016, a FOIL request to the Office of the Comptroller confirmed that no Notices of Claim were filed for this incident by §87(2)(b) (01 Board Review). § 87(2)(b) has no conviction history (02 Board Review). **Civilian and Officer CCRB Histories** 87(2)(b)

Page 4



- This is \$87(2)(b) and \$87(2)(b) s first CCRB complaint (03 Board Review).
- PO Lovera has been a member of the NYPD for three years and this is his first CCRB complaint.
- Lieutenant Israilov has been a member of the NYPD for 13 years and has two other CCRB cases. CCRB# 201507239 involves five allegations including one substantiated allegation for a vehicle search. The CCRB and NYPD disposition of this allegation was formalized training. CCRB# 201606639 is under active investigation and involves one allegation of force used to restrain an individual. [87/2](9)
- PO Harris has been a member of the NYPD for 10 years and has 12 other CCRB cases involving 22 allegations and no substantiated allegations. §87(4-b). §87(2)(9)

\$ 87(2)(g)

- PO Fermin has been a member of the NYPD for 1 year and this is her first CCRB case.
- PO Mancheno has been a member of the NYPD for three years and has been involved in one other CCRB case (201306539) involving one allegation, which was not substantiated and \$87(2)(9)
- PO Kirk has been a member of the NYPD for two years and this is her first CCRB complaint.
- PO Spence has been a member of the NYPD for three years and this is his first CCRB complaint.
- PO Louis has been a member of the NYPD for 10 years and has been involved in 24 other CCRB cases involving 61 allegations including one substantiated allegation in CCRB 201303865 for a discourteous action. § 87(4-b). § 87(2)(9)

In 200709343 PO Louis was exonerated for threatening to use pepper spray to control a crowd. In 201004719 PO Louis was accused of using pepper spray on a disorderly crowd, but the case was truncated. In 201012505 PO Louis was exonerated for using pepper spray against individuals. In 21105019 PO Louis was accused of using pepper spray, but the case was truncated. In 201110079 PO Louis was exonerated for using pepper spray against individuals. In 201411930 PO Louis was accused of using pepper spray, but the case was truncated. In 201402548 PO Louis was accused of using a chokehold, but the case was truncated. In 201412590 PO Louis was accused of using his baton as a club, but the allegation was unfounded.

• PO Swift has been a member of the NYPD for 14 years and has been involved in six other CCRB cases involving five allegations and no substantiated allegations. §87(2)(9)

## **Potential Issues**

• \$87(2)(b) and \$87(2)(b) did not cooperate with providing verified statements.

• Documents necessary to identify subject officers were not received from the 81<sup>st</sup> Precinct until August 19, 2016, 58 days after being initially requested.

Page 5

• Only one Threat, Resistance, Incident report was prepared for this incident and no Unusual Occurrence report was prepared for this incident.

### **Findings and Recommendations**

## **Explanation of Subject Officer Identification**

With regard to **Allegation A**:

- In her CCRB interview (100) described the subject of Allegation A as driving an RMP into the park with emergency lights on and being a black male, 5'5"-5'7" tall, heavy-set, bald. In a previous phone statement, (100) also said that the subject of **Allegation A** was driving an RMP, but described him as a white male, bald, 5'9" to 6'1" tall, 180-200 pounds, freckles or red spots on face (18 and 28 Board Review).
- PO Louis and PO Spence acknowledged being the only officers on the scene when **Allegation A** allegedly took place and also acknowledged that PO Louis drove their RMP up to the crowd with emergency lights on. PO Louis and PO Spence both denied using any profanity toward §87(2)(b) or interacting with her. Neither officer recognized §87(2)(b) from her driver's license photo (38 and 39 Board Review).
- PO Spence's photo and pedigree showed him to be a 38 year old black male, 6'1" tall, 215 pounds, with an average build, and short black hair (06 Board Review).
- PO Louis's photo and pedigree showed him to be a 38 year old black male, 5'11" tall, 198 pounds, with an average build, and short receding black hair (06 Board Review).

§ 87(2)(g)	

#### With regard to **Allegations B** and **E**:

In this case, the civilians provided generally inconsistent or incomplete descriptions of the subject officers for these allegations of discourtesy, descriptions that were not sufficiently similar to any officers determined to have responded to this incident. The officers all consistently denied speaking discourteously toward civilians, except for PO Harris who acknowledged using a discourtesy in reference to Turkey Furthermore, all the officers except for PO Kirk denied hearing other officers use any discourtesies and PO Kirk did not recall which officers she heard using discourtesies.

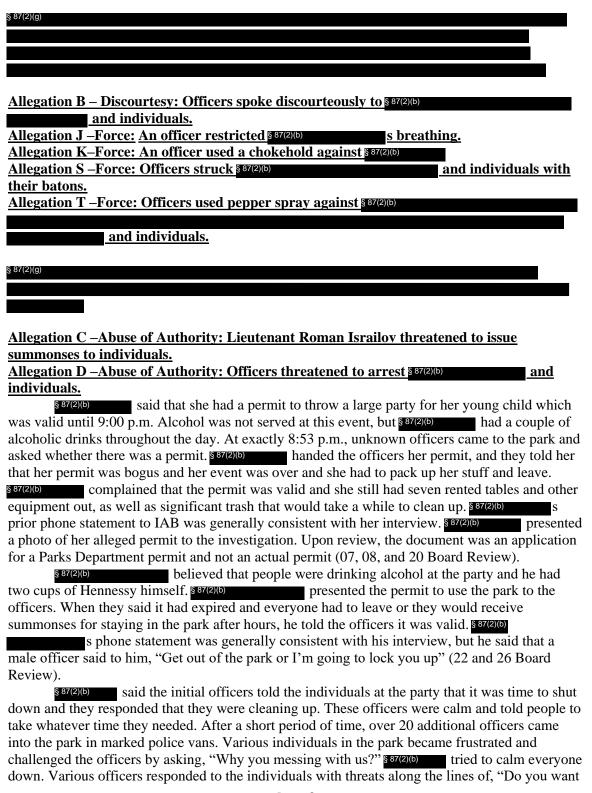
## With regard to **Allegation C**:

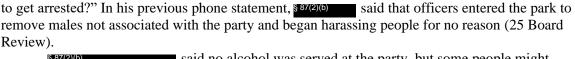
Because Lieutenant Israilov acknowledged that he advised individuals they could be issued summonses and because he was the highest ranking officer on the scene, **Allegation C** was pleaded against him.

Page 6

With regard to <b>Allegation J</b> :  Although \$\frac{8}{5}(2)(0)\$ alleged that a white male and a black male officer choked \$\frac{8}{5}(2)(0)\$ simultaneously, this account was not corroborated by the testimony of \$\frac{8}{5}(2)(0)\$ could not see who restricted his breathing by squeezing the back of his neck, \$\frac{8}{5}(2)(0)\$ described an officer matching Lieutenant Israilov as holding \$\frac{8}{5}(2)(0)\$ down by his neck. Video# 3 shows Lieutenant Israilov and PO Harris touching the back of \$\frac{8}{5}(2)(0)\$ s neck at around the time \$\frac{8}{5}(2)(0)\$ said that he did not realize that two officers had touched his neck and said that his breathing was restricted at some point during the handcuffing process, but he could not recall if that occurred at the point of the incident the video captured. \$\frac{8}{5}(2)(0)\$
With regard to Allegations D, I, K, L, S, and T: §87(2)(9)
Allegations Not Pleaded
• Although \$87(2)(b) alleged that PO Lovera cursed at her over the phone when she called the stationhouse on June 12, 2016 to get information on \$87(2)(b) s charges, \$87(2)(b) was not able to provide any specific statements that PO Lovera made. Therefore, no allegation was pleaded (42 Board Review).
• In her phone statement, \$87(2)(b) alleged that officers trampled \$87(2)(b) However, because \$87(2)(b) did not make this allegation during her CCRB interview and because \$87(2)(b) never alleged this, no allegation was pleaded (07, 08, 20, 22, and 26 Board Review).
• \$87(2)(b) said in her CCRB interview that an Asian male officer repeatedly referred to her as "baby" and told her "Come on. Put your fucking hands behind your back." \$87(2)(g)
• \$87(2)(b) alleged that an officer said, "Shit, I don't want to be here. We got our own fucking party to go to." \$87(2)(9)
• Although \$87(2)(b) alleged PO Harris and Lieutenant Israilov choked him by grabbing the back of his neck, \$87(2)(b) never alleged that either officer made any contact with his throat. \$87(2)(9)

• §87(2)(b) alleged that PO Swift threatened to arrest her. §87(2)(9)
• \$87(2)(b) alleged that PO Fermin searched her at the scene and PO Fermin confirmed that she
searched \$87(2)(b) at the scene and at the 81st Precinct stationhouse. \$87(2)(9)
• \$87(2)(b) said an officer threatened to arrest him if he did not leave. \$87(2)(g)
said an officer and accept than it he did not reave.
Allegation A –Discourtesy: Police Officer Diery Louis spoke discourteously to \$87(2)(6)
said during her CCRB interview that during the party, an RMP drove into the
park at a high rate of speed and a small child ran directly in front of it. § 87(2)(b) yelled, "Watch
how you almost hit the little girl driving in here so fucking fast." PO Louis got out of the RMP
and told (You should be watching your fucking kids. They should be by your side," or "Fucking hold your child and you wouldn't have to worry about a situation like that," or, "Watch
your fucking kid. You shouldn't have her running around in the park." § 87(2)(b) was not sure of
the specific statement. § 87(2)(b) s earlier phone statement was generally consistent with her
CCRB testimony, but she alleged that PO Louis said, "Well, you should have had your fucking
child next to you" (18 and 28 Board Review).  \$87(2)(b) said during her CCRB interview that when PO Spence and PO Louis
drove into the park, they almost hit a child, which aggravated her friend \$87(2)(b)
did not corroborate PO Louis's alleged discourtesy, but said only that he or PO Spence
called for backup. § 87(2)(9)
s <sup>87(2)(b)</sup> confirmed that PO Louis and PO Spence drove their RMP into the park with
emergency lights on, but did not corroborate PO Louis's alleged discourtesy (14 Board Review).
§ 87(2)(b)
and so did not mention this interaction.  PO Louis said that he drove into the park at five miles per hour or less with PO Spence
and had his emergency lights on. PO Louis did not almost strike a kid when he entered the park,
but kids were running around. PO Louis did not speak to \$87(2)(b) or any female when he exited
his RMP, because \$87(2)(b) approached immediately and said he had a permit to have a
party in the park. PO Louis never told any individual, "Watch your fucking kid," or used any
profanity toward any individual. No individuals complained that PO Louis used any profanity (38 Board Review).
PO Spence's testimony was generally consistent with that of PO Louis and no other
officers were on the scene when this allegation took place (39 Board Review).
§ 87(2)(g)
Page 8





said no alcohol was served at the party, but some people might have been drinking because there was a liquor store around the corner. While was grilling, officers came to the park and said that nobody notified the precinct that they had a permit for the event. These officers then shut down the party and called for backup when people did not move fast enough. The officers told people numerous times to get out of the park (16 Board Review).

added in her phone statement that \$87(2)(b) said something an officer did not like and another officer replied, "If you keep running your mouth, we're going to have to arrest you" (18 and 28 Board Review)

§ 87(2)(b) and § 87(2)(b) s statements were generally consistent with that of § 87(2)(b)

Lieutenant Israilov said that when he and PO Kirk arrived on the scene, he observed about 100 people drinking from containers of beer and hard liquor and grilling on open barbecues. There were already 30-40 officers there when Lieutenant Israilov arrived. Various people had slurred speech, appeared intoxicated, and were unhappy that they were told to disperse. Lieutenant Israilov knew the group did not have a permit because on weekends before the start of tours the stationhouse received a list of all the authorized block parties from the Community Affairs Division, which received a list from the Parks Department. Authorized block parties are subsequently monitored by officers and supposed to be over by 8:00 p.m. Alcohol and grilling are always illegal in the park even with a permit. Lieutenant Israilov instructed his officers to clear out the park and he approached the group and told them to clean up and disperse because it was an unauthorized party. No individual ever tried to show Lieutenant Israilov a permit or other document authorizing the party and he was not sure which individuals he first spoke to. The individuals moved slowly, but complied. Lieutenant Israilov did not remember whether he or any officers made any statements that they would arrest anyone if they did not leave the park, but told the crowd they could be issued summonses if they did not comply. Lieutenant Israilov did not remember whether any other officers made statements that they would summons people if they did not leave the park (30 Board Review).

PO Lovera's statement was generally consistent with that of Lieutenant Israilov, but he added that he and other officers probably told individuals that they could arrested if they did not leave the park. PO Lovera said he did not remember, but he probably did this, because the situation was out of control (31 Board Review).

PO Mancheno, PO Kirk, PO Harris, PO Spence, and PO Louis's statements were generally consistent with those of Lieutenant Israilov and PO Lovera (36-39 Board Review).

PO Swift and PO Fermin said that they only arrived at the park later after \$87(2)(b) had been arrested (32 and 25 Board Review).

Penal Law sub section 240.20 says that a person is guilty of disorderly conduct when they congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse (43 Board Review).

Page 10

Parks Department Regulation S1-03 says that no person shall fail, neglect, or refuse to comply with the lawful direction or command of any police officer. The rule also says that when a permit is required, no activities shall commence until a permit is issued (44 Board Review).
§ 87(2)(g)
Allegation E –Discourtesy: Police Officer Emily Harris spoke discourteously to 887(2)(5)
said that either PO Harris, Lieutenant Israilov, or a black male officer told
said that either PO Harris, Lieutenant Israilov, or a black male officer told to, "Sit the fuck down!" when he was trying to talk to them (13 Board Review).
acknowledged drinking two cups of Hennessy during the party and
said that he tried to tell the officers that he had a permit for the party, but they would not listen
and told him to leave the park. § 87(2)(b) did not comply with these instructions and
continued to try to speak to the officers. §87(2)(b) did not say that any officers used
profanity toward him (22 and 26 Board Review).
§ 87(2)(b)
and §
generally confirmed they watched \$87(2)(b) get upset and yell at the officers while trying to explain that the people had a permit. No other civilians corroborated that officers
used profanity toward § 87(2)(b)
PO Harris said that \$87(2)(b) who had been sitting on a bench and drinking out
of a large bottle of Hennessey, approached the officers and yelled that he was "out on two bails,"
they could not do anything to him, and, "I'll shoot y'all!" appeared to be
intoxicated, because of the aggressive statements he yelled at the officers, and he smelled of
alcohol. When \$87(2)(b) started yelling, the other people at the party, who had been
complying with the officers' instructions to disperse, stopped due to \$87(2)(b)
statements. §87(2)(b) told the other individuals that they rented all their stuff for the party and told them to not listen to the officers. Another male pushed and pulled §87(2)(b)
away from the officers a couple times, but he kept coming back and yelling. PO
Harris told the male to take \$87(2)(b) out of the park and might have said, "Take his ass
out!" (34 Board Review).
PO Spence, PO Louis, PO Mancheno, PO Fermin, PO Lovera, Lieutenant Israilov, and
PO Kirk generally confirmed that \$87(2)(b) appeared intoxicated and yelled and cursed
at officers as they tried to have the party disperse. PO Swift and PO Fermin arrived on the scene
after \$87(2)(b) was arrested. No other officers corroborated the threats that PO Harris
alleged § 97(2)(b) made. PO Spence, PO Louis, PO Mancheno, PO Fermin, PO Swift,
Page 11

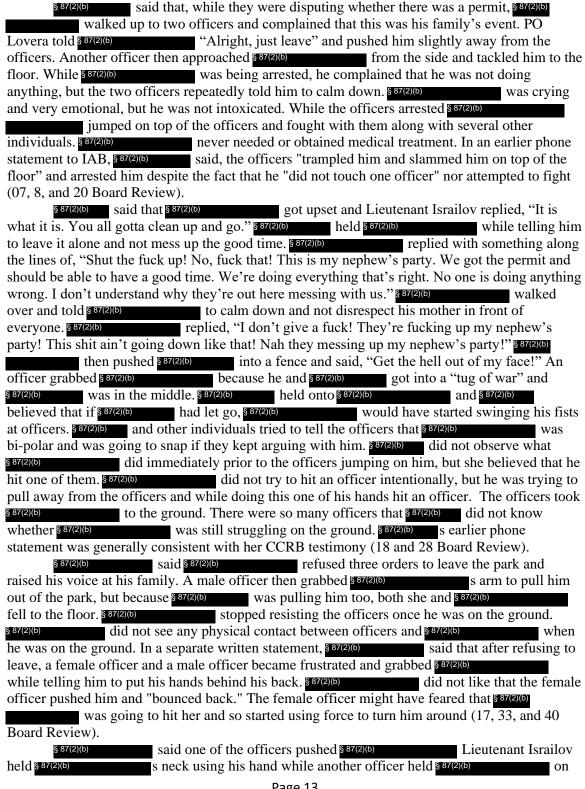
PO Lovera, and Lieutenant Israilov all denied that they or any officer used any profanity toward any individual. PO Kirk denied that she used any profanity toward any individuals, but said that she heard unknown officers make statements to the crowd along the lines of, "Get the fuck out of the park!" or "Get your asses out of the park!" (30, 32, and 35-39 Board Review).

P.G. 203-09 says that officers must be courteous and respectful (45 Board Review).

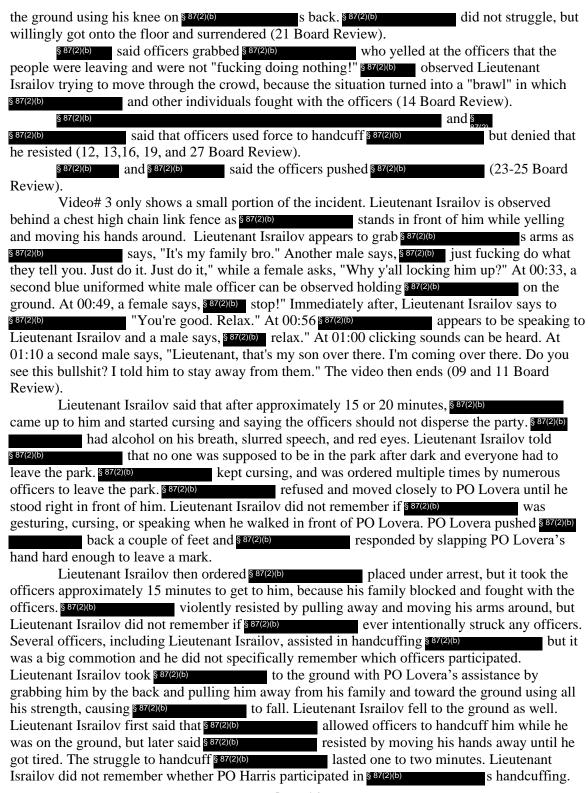
<u>PD v. PO Michael Quinn</u> says that the use of strong language during a stressful street encounter does not rise to the level of misconduct (Disciplinary case# 78163/02 & 78542/03) (46 Board Review).

3 07 (2)(9)
Allegation F –Force: Police Officer Abel Lovera used physical force against 887(2)(b)
Allegation G –Force: Lieutenant Roman Israilov used physical force against 887(2)(b)
Allegation H – Force: Police Officer Emily Harris used physical force against § 87(2)(b)
Allegation I –Force: Officers used physical force against 827(2)(b)
During his interview, \$87(2)(b) said that he had drunk two cups of Hennessey
during the party and that his memory of the incident was not clear. After he complained that the
party had a permit, the officers specifically focused on him and told him to leave the park. The
officers then took §87(2)(b) to the floor, and handcuffed him, but he did not know why.
did not sustain any injuries. § 87(2)(b) was escorted out of the park
immediately after being handcuffed. In an earlier phone statement, \$87(2)(6) said that
as they disputed whether they needed to leave the park, he told an officer, "I got the permit right
here officer" and showed it again while stepping backward. The officer said, "Get him" and
several unknown officers tackled him. § 87(2)(b) did not resist or move around at all
while he was on the ground, but the officers still told him that he was resisting arrest repeatedly.
The officers bent one of \$87(2)(b) s arms behind his back and handcuffed it. \$87(2)(b)
s other hand was not handcuffed at that time and the officers claimed he resisted
with this hand, which he denied. After being handcuffed, \$87(2)(b) was literally
dragged two or three feet to an RMP by unknown officers. \$87(2)(b) explained that he
was facing forward and the officers dragged him by the back of his neck, his handcuffed arm, and
the back of his shirt. §87(2)(b) did not refuse to walk or drag his feet. §87(2)(b)
sustained scraped knees during the incident, but no other injuries. §87(2)(b)
was shown \$87(2)(b) s video# 3 and explained that at approximately 00:27
everyone told him to relax after he "went crazy." \$87(2)(b) explained that he decided to
not let the officers handcuff him, because they had just choked him for no reason (22 and 26
Board Review).

Page 12

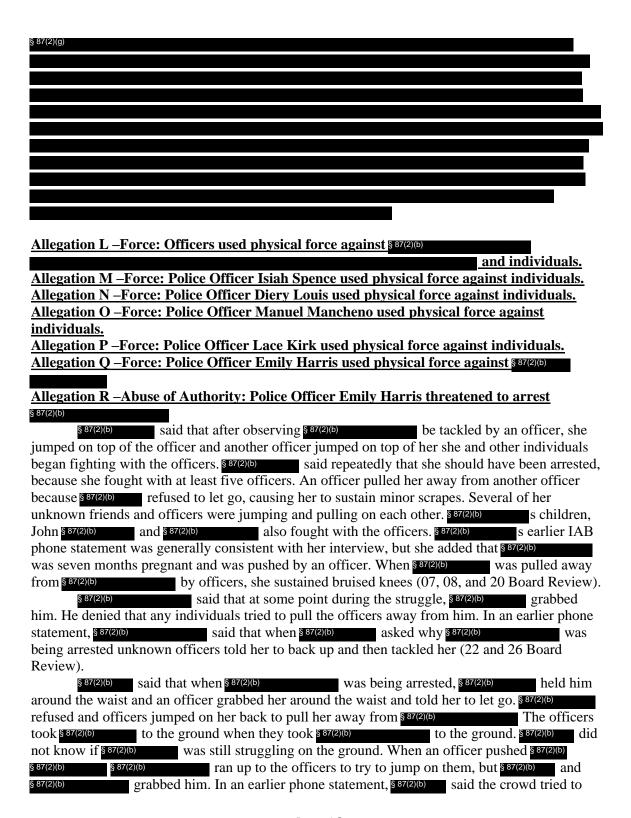


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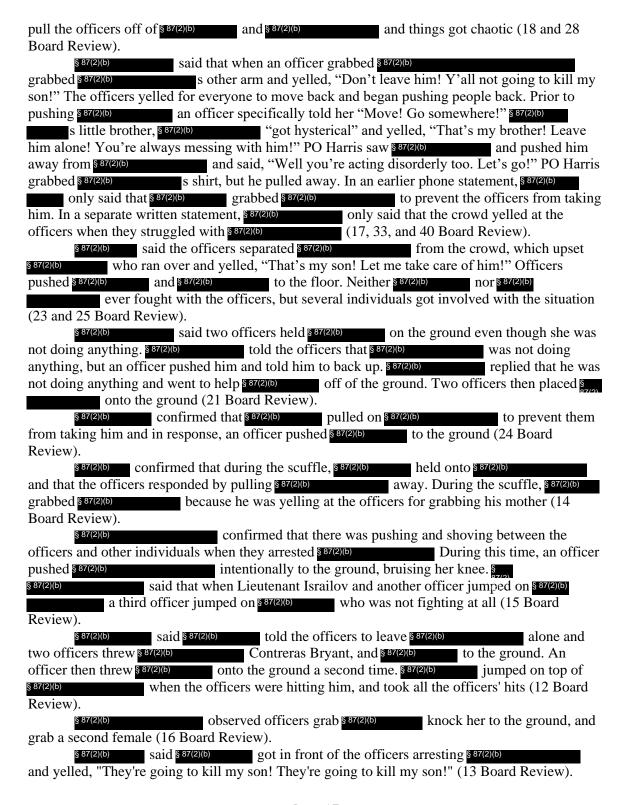


Page 14

never complained of any injuries. Later at the stationhouse, \$87(2)(b)
refused medical attention and Lieutenant Israilov did not observe any injuries on
him. No force was used on \$87(2)(b) by Lieutenant Israilov other than pulling his hands
behind his back. Lieutenant Israilov did not remember whether officers put their hands and knees
on § 87(2)(b) s back.
Lieutenant Israilov was shown §87(2)(b) s video# 3. It was pointed out that at the
beginning of the video, \$87(2)(b) was standing up and was not handcuffed. Lieutenant
Israilov believed that the part of the incident where he placed §87(2)(b) to the ground
was before this video took place. Lieutenant Israilov believed that \$87(2)(b) then stood
back up at some point (30 Board Review).
PO Harris' and PO Lovera's statements were generally consistent with that of Lieutenant
Israilov. PO Lovera added that he escorted \$87(2)(b) to an RMP. PO Lovera did not
remember whether \$87(2)(b) resisted being escorted to the RMP, but neither he nor any
officer ever physically dragged § 87(2)(b) PO Spence confirmed that he transported
but said that \$87(2)(b) never complained of any injuries or
requested medical attention and did not appear injured (31, 34, and 39 Board Review).
PO Mancheno, PO Kirk, PO Spence, and PO Louis's statements were generally
consistent with that of Lieutenant Israilov, but they were focused on crowd control and did not
observe \$87(2)(b) s handcuffing (36-39 Board Review).
PO Swift and PO Fermin said that they only arrived at the park later after §87(2)(b)
had been arrested (32 and 35 Board Review).
A TRI incident report prepared for this incident by PO Lovera and approved by
Lieutenant Israilov noted that hand strikes, wrestling/grappling, and pushing/shoving was used
against officers during §87(2)(b) s arrest. No injuries were noted as sustained by PO
Lovera. The report noted that PO Lovera used a forcible takedown against §87(2)(b)
because he was fleeing (41 Board Review).
Arrest report# §87(2)(b) notes that §87(2)(b) was intoxicated and that
physical force was used to control and restrain him (49 Board Review).
s arrest photograph does not show any visible injuries (50 Board
Review).
No Medical Treatment of Prisoner Report was prepared for §87(2)(b)
P.G. 221-01 says that officers may use reasonable force when necessary to ensure the
safety of officers, a third person, protect life or when it is necessary to place a person into custody
or prevent escape (47 Board Review).
§ 87(2)(g)

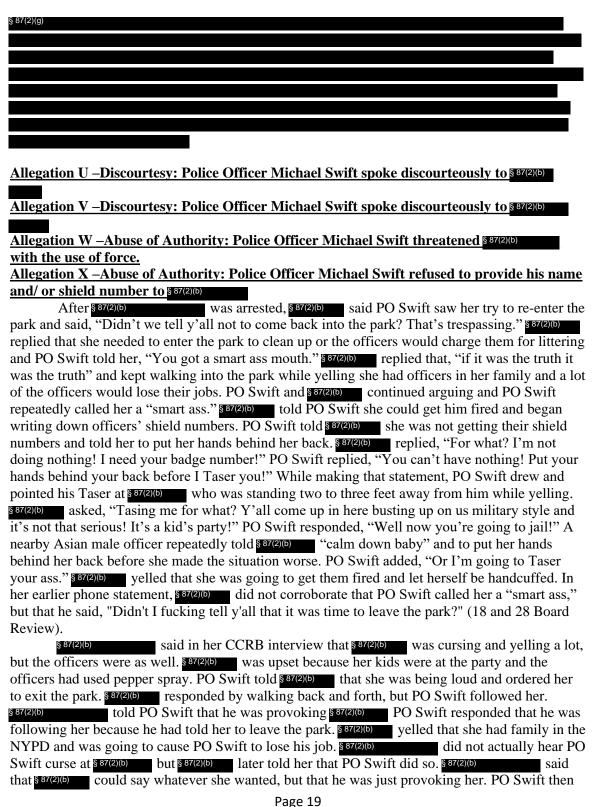


Page 16



Page 17

s 87(2)(b) only said s 87(2)(b) was standing in front of s 87(2)(b) and the
officers told her to move. (27 Board Review).
Upon reviewing Video# 1, provided by §87(2)(b) which only captures a small
portion of the incident, there is lots of screaming, and a female voice is heard yelling, "Get off
him!" The person filming is behind a chest high chain link fence. At 00:04, two black females
wearing white t-shirts are observed behind the fence. One of these females appears to be wearing
a white head band. A blue uniformed light skinned male officer is then observed holding who is wearing white shorts, around her waist. [8] 87(2)(b) is bending over toward the
ground and moving around as though struggling. A male voice can be heard yelling, "Get back!"
The video then ends (09 and 10 Board Review).
Video# 3 begins with Lieutenant Israilov behind a chest high chain link fence. At 00:07,
a black female wearing a white t-shirt with a white head band is observed holding onto the chain
link fence in such a way that her arm is touching Lieutenant Israilov's back. A second light
skinned male officer in a blue uniform holds onto the female and pulls her arm away from
Lieutenant Israilov. A male voice can be heard repeatedly saying, "Get back" (09 and 11 Board
Review).
Lieutenant Israilov said that approximately 12 male and female family members of sar(2)(b) surrounded him to block officers from getting to him. While sar(2)(b) was
handcuffed, the same family members pulled officers away from him, ripping Lieutenant
Israilov's shirt in the process. People tried to jump on top of \$87(2)(0) while he was on
the ground and pull him away from the officers as the officers instructed them to step back.
Lieutenant Israilov did not charge other individuals with interfering because he just wanted to
arrest § 87(2)(b) and transport him out of the park before a riot ensued. Other officers
conducted crowd control while he and other officers handcuffed \$87(2)(b)
Israilov did not remember any civilians being pushed to the ground or anyone complaining of
this. Officers pushed a group of people away from \$87(2)(6) but Lieutenant Israilov did not remember any female being dragged or pulled away from \$87(2)(6) (30 Board
Review).
PO Mancheno, PO Kirk, PO Spence, PO Lovera, and PO Louis's statements were
generally consistent with that of Lieutenant Israilov. PO Spence and PO Louis added that they
pushed and pulled individuals off of Lieutenant Israilov, but were not sure whether any of them
fell to the ground (31 and 36-39 Board Review).
PO Harris's testimony was generally consistent with that of Lieutenant Israilov. PO
Harris acknowledged pushing and pulling members of the crowd away from \$87(2)(b)
during the struggle to handcuff him. PO Harris did not remember preventing a teenage male from
running toward § 87(2)(b) (34 Board Review).  PO Swift and PO Fermin said that they only arrived at the park after § 87(2)(b)
had been arrested (32 and 25 Board Review).
P.G. 221-01 says that officers may use reasonable force when necessary to ensure the
safety of officers, a third person, protect life or when it is necessary to place a person into custody
or prevent escape (47 Board Review).
§ 87(2)(g)
Page 18
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told §87(2)(b) "Get the fuck out of the park" and so she pulled §87(2)(b) out of the park.
stood outside the park next to a marked police van and continued to say things to the
officers. §87(2)(b) to shut up, because they would take her to jail and PO
Fermin told \$87(2)(b) to please be quiet. \$87(2)(b) refused and continued to yell at the officers.
PO Swift then instructed \$87(2)(b) to put her hands behind her back and instructed PO Fermin to
arrest \$87(2)(b) s earlier phone statement was generally consistent with her CCRB interview. \$87(2)(b) s written statement was generally consistent with her CCRB
CCRB interview. §87(2)(b) s written statement was generally consistent with her CCRB
interview and phone statement, but she did not mention PO Swift using profanity toward
and did not mention s arrest (17, 33, and 40 Board Review).
PO Swift said while people were leaving the park, \$87(2)(b) began screaming and cursing
at officers while waving her arms. §87(2)(b) said that the officers "weren't going to do nothing,
couldn't touch her," and that she "could do what she wanted." PO Swift informed \$87(2)(b) that
she had to leave the park. \$87(2)(b) initially complied, but turned around when she reached the
park entrance and continued screaming and cursing at the officers. PO Swift told \$87(2)(b) she
must leave the park, and that if she did not she would be placed under arrest. § 87(2)(b) made
excuses for staying in the park, saying that she was waiting for other people to leave. \$87(2)(b)
told § 87(2)(b) to stop arguing. PO Swift told her that did not matter, as everyone was
leaving. PO Swift felt as if \$87(2)(b) was encouraging people to not comply to incite a riot and he
wanted to defuse the situation. PO Swift had no idea if \$87(2)(b) was writing on a piece of paper
when speaking to him or if she ever said she was going to write down his shield number. PO
Swift did not use any profanity towards \$87(2)(b) or \$87(2)(b) walked to the
park entrance again, but turned around for a third time and approached the officers. PO Swift then
told her she was under arrest and he and PO Fermin handcuffed her. PO Swift did not recall
whether §87(2)(b) ever asked for his name or shield number and never refused to provide it or
told her she could not write it down. PO Swift was not sure if he carried a Taser that day because
there was no mention of one in his memo book, but he usually does. PO Swift did not draw and
point a Taser at \$87(2)(b) PO Swift never made any threats to Taser \$87(2)(b) (32 Board
Review).
PO Fermin generally corroborated PO Swift's testimony. PO Fermin added that § 87(2)(b)
left the park and came back with two friends, including \$87(2)(b)
repeatedly told \$87(2)(b) to leave and put an arm on \$87(2)(b) s back to turn her around to leave.
PO Fermin denied that PO Swift drew his Taser or made any threats to Taser \$87(2)(6) PO
Fermin did not see § 87(2)(b) writing on a piece of paper or hear her ask officers for their shield
numbers (35 Board Review).
No other civilians or officers observed this interaction.
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)			
§ 87(4-b), § 87(2)(g)			
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Squad: 3			
Investigator:			
	Signature	Print	Date
Squad Leader:			
Squad Leader.	Title/Signature	Print	Date
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Reviewer:			
	Title/Signature	Print	Date